

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
February 18, 2004**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., February 18, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3, Fulton Brock, District 1, Don Stapley, District 2, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney.

INVOCATION

Mr. Shamasudar (Shama), City of Phoenix Engineering Department, delivered the invocation.

PLEDGE OF ALLEGIANCE

John Lynch, Maricopa County Department of Transportation, led the assemblage in the Pledge of Allegiance.

PUBLIC HEARING – ENVIRONMENTAL SERVICES

Chairman Kunasek called for a public hearing to review and approve proposed revisions to Chapter VI (Bathing Places - Public and Semipublic Swimming Pools) of the Maricopa County Environmental Health Code. The Code amendments will reflect recent changes to the Arizona Administrative Code and Department reference clarification. These revisions will align the Maricopa County Environmental Health Code with recent changes to Arizona Administrative Code. (C88040247) (C88040257) (ADM2102)

Al Brown, Director, Environmental Services Department, said the changes in Chapter VI of the Maricopa County Environmental Health Code would modernize the County's Health Code by adopting DEQ (Department of Environmental Quality) and State Health Department pool standards and also incorporate national recommendations from the Consumer Products Safety Commission, the National Spa and Pool Institute and the National Swimming Pool Foundation. He added that this code has no effect on private or residential swimming pools but only on public and semipublic facilities. Mr. Brown said his department has been focusing on these revisions for more than two years and has held 15 hearings, workshops and external meetings during that time and that all permit holders, trade associations, cities and towns were invited to attend. Both the Swimming Pool Advisory Committee for the Environmental Health Department and the Public Health Department's Advisory Board unanimously recommends the code revision. He informed the Supervisors that Maricopa County has 8,329 public and semipublic pools that are regulated by the County's health code. In 2003 the Department conducted 17,635 pool inspections and documented 21,102 health and safety hazards. He said 26% of the hazards were safety related. Some of the violations were very serious and 1,159 pools were temporarily closed.

The proposed revisions contain new requirements for pool drains and vacuum lines that are expected to reduce the number of drownings from entrapment and also lessen the risk of serious evisceration injuries. Several of the safety issues require retrofitting as goals but he felt that adequate time (up to 10 years) had been given for necessary changes to be made. Mr. Brown reported that Arizona is the 4th highest state nationally for drownings of toddler-age children and there are 90-100 drowning deaths of all ages in Arizona each year, 50-60 of those are in Maricopa County.

Discussion ensued on the kinds of recently reported accidents that have occurred in County-regulated public pools, and the number and kind of entrapment deaths in the state and country. The cost and requirements for a dual main drain system were also discussed (it is one of the new retrofit stipulations in the proposed code). Mr. Brown said the quotes they have received for adding a dual main drain when

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remodeling existing pools is between \$200 and \$700 depending on existing circumstances. A major remodel would entail bringing plans to the department for review and approval.

Supervisor Brock said he'd been told that passage of the new code would make the County's regulations "tougher than those for the State." Mr. Brown replied that the State only conducts plan reviews at that level and they expect the counties to do the follow-up inspections and regulate offenders. He advised that their rules do not address what happens after they see a county's plan review.

Fred Goldman, Maricopa County Swimming Pool Advisory Committee, spoke in favor of this request. He reported on cases involving children who drowned because of entrapment by the strong suction of the pool's drain. An uncovered drain can provide hundreds of pounds of force that must be overcome before that person's body can be released and removed. He said the cost of adding a dual drain during the remodeling of a pool is approximately the same as the cost of a new hot water heater in your home. He added, "It seems that the risk vs. the reward is obvious." He strongly advised adoption of the revised code.

Chief Tom Knapp, Gila River Indian Community Fire Department and also the Chairperson of the Maricopa County Environmental Department's Swimming Pool Advisory Committee, named some of his committee members, saying that many work in the swimming pool industry in various ways and others are engineering or health professionals. He said that a great deal of diligent work had gone into improving Chapter VI of the Maricopa County Environmental Health Code, a process that started years ago. He noted, "Maricopa County has always been on the leading edge in Chapter VI and the utilization of the variance process – often to the point where the state will defer to the expertise of our committee." He said the availability of new technologies has been utilized in the revision. Chief Knapp added that he as well as the Supervisors know that with any regulation comes resistance. He agreed that the revision has provisions more stringent than the State code and said it also addresses many factors no one thought necessary ten years ago, such as zero-entry pools, slides, splash ponds and other inter-active play features, which are not part of the current code. He stated that there have been incidents of entrapment that are documented but the reporting system in use does not usually list that as a detail in the cause of death. "When we get to the scene of a drowning the victim is usually out of the water and if entrapment occurred it wasn't seen by us."

Dave Oorlog, representing Swimming Pool Service & Repair, reported that the estimates previously given on upgrading to a split main drain were very accurate and usually incur \$300-\$400 in retail costs. He said the condition of the pre-existing pipe could cause a cost variance and the presence of steel rebar would increase the number of hours spent and also increase the cost. He said he had attended several of the meetings that were held and favored the code change.

John Mortensen, Shasta Industries; Roger Gaffner, Aqua Safe, Inc., Steven Sutton, Villas Scottsdale HOA and Shawn Powers, California Pools were also in favor of changing the code. Those opposed included Suzanne Gilstrap, Arizona Multihousing Association and Bob Bradley, National Spa & Pool Institute who indicated he both favored and opposed the change.

Suzanne Gilstrap said the Association is always in favor of safety but believes there comes a point when risk has to be balanced against the economics of providing that safety. She said they support many of the changes but oppose the multi-drain implementation for pools. She reported on available statistics nationwide involving entrapment, which are few, and said these low-volume statistics do not justify the requirement for retrofit dual main drains on existing pools and asked for further study before it is approved.

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Supervisor Stapley said he has had previous experience with building and owning public pools. He had always believed the industry was generally very supportive of added safety requirements and often appreciated a public body, like the County, imposing ways to prevent injury and that this would be a very low-cost requirement. He felt that statistics showing a low occurrence of injury and death from entrapment is not enough to keep entrapment from becoming a safety issue. He stated that it is logical and necessary to take necessary safety measures to prevent tragic accidents rather than wait for deaths to occur that would provide higher numbers for the statistics that were referenced.

Ms. Gilstrap said their industry was very concerned about safety and reiterated the code changes they could support. They do not feel that a valid threat exists for large pools from current drains that are in use.

Supervisor Stapley said, "I have some pretty crazy kids and they like to lie with their stomach or back on the main drain so they get the little red marks...and all it takes is one ... if we can prevent one death it's well worth the millions of dollars you talk about – spread out over ten years. I know it's worth it to the family of the child we save."

Bob Bradley said his organization has been very involved in the code through their members. He had concerns about the notification process and release of information, saying he had heard about it yesterday. He asked for better communication in the future. He also had concerns about fees and permit requirements, mentioning such things as needing permits for resurfacing and pool decking, etc. He also said that most entrapments occur in shallow water and those occurring in deeper water happened when the drain cover was removed. He suggested that the answer was to secure the covers better and inspect them regularly for breakage. Otherwise he felt the changes in the code were beneficial and moving in the right direction.

Roger Gaffner, Aqua Safe, Inc. of Houston, TX, said, "I agree with Mr. Stapley 100%." He explained that he has been involved in writing pool safety codes in three or four other states and his company had investigated dozens of entrapment situations. He said, "And they do happen in deep water. And I agree, one child is one child too many." He added that the State of Texas allows only one year to get the retrofitted dual drains completed rather than 10 years, which he believed was far too lax. As for cost, he said, "When you start to look at \$100 million law suits that name the pool owners – and also name service companies and manufacturers" you also start to realize that these suits are now becoming popular nationwide. He said, "Your biggest worry is the thousands of other pools throughout your county that are single-maintained pools. Those are the ticking time bombs – and something will happen – it's just a matter of time."

Steven Sutton, Villas Scottsdale HOA, townhouse resident and a former city lifeguard, said that unfortunately, "I'm the person most likely to find the body, and it's going to be my neighbor's kid." He added that when he first got notification that these rule changes were being considered, "I thought it was ridiculous. But I did a little shopping around and now I absolutely support the dual main drain." He added that his HOA hasn't been well managed and they don't have a lot of money but "no one on the board batted an eye when this came up – because we are going to be the ones who will suffer and it's going to be somebody we know." He added, "I cannot believe anybody thinks \$600, no matter how many times they have to pay it, is too much to make sure the possibility of a kid being killed is eliminated – \$600 is a trivial expense." He explained, "I don't care about statistics, I just don't want to find a kid in the bottom of the pool."

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Supervisor Stapley asked Al Brown if permits were required to resurface a patio area or pool decking, etc.

Mr. Brown replied that no permit is required for exterior resurfacing in a public or semi-public pool unless a waterfall or fountain is included that could be a hazard. He said that when the entire surface of the pool needs to be replastered the department wants to check certain things – such as making sure the color is light enough so a body could easily be seen if in trouble and on the bottom of the pool. He said the advisory committee is asked to review any color that staff might feel is questionable.

All the Supervisors voiced support for the proposed changes made in Chapter VI of the Maricopa County Environmental Health Code. The hope was expressed that people would not wait 10 years to implement the dual main drain but would have it installed as soon as possible. Supervisor Kunasek asked to investigate the possibility of a cost abatement added to the process to encourage people to take this safety measure as soon as possible. Discussion ensued on such a moratorium and fee structure.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the proposed revisions to Chapter VI of the Maricopa County Environmental Health Code as presented with the caveat that Mr. Brown report back to the Board at the March 3, 2004, meeting with a proposal relating to a fee structure/moratorium as an incentive for people to move forward quickly with this dual main drain retrofit. The rest of the permitting process would proceed. The effective date for the ordinance would also be March 3. Paul Golab said that an ordinance, by statute, becomes effective 30 days following Board approval. Supervisors Stapley and Wilcox amended their motion and second to reflect the changed effective date to thirty days from Board action. A fee structure with possible incentives is due from Mr. Brown at the March 3, 2004, Board meeting. (Clerk's Note: This item did not return for Board of Supervisor consideration at the March 3rd meeting.)

PUBLIC HEARING – FRANCHISE – ARIZONA-AMERICAN WATER COMPANY

This is the time scheduled for a public hearing for consideration of an application filed by Arizona-American Water Company, through its Agua Fria District and its Anthem/Agua Fria Wastewater District, for a public service franchise to construct, maintain and operate systems, as follows: (F23138)

- Agua Fria District - domestic water utility distribution system, consisting of pipe lines, meters, connections, and all necessary equipment; and
- Anthem/Agua Fria Wastewater District – wastewater collection, treatment and disposal utility system consisting of all lines, connections, manholes and necessary equipment and facilities.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Arizona-American Water Company franchise as given above.

ROAD DECLARED (ROAD FILE NO. A247)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64041655)

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WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 21st day of January 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the Northwest quarter of the Southeast quarter (NW¼SE¼) of Section Twenty-four (24) in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The West 25 feet of the East half of the East half of the East half of the Northwest quarter of the Southeast quarter (E½E½E½NW¼SE¼) of said Section 24; and,

The East 25 feet of the West half of the East half of the East half of the Northwest quarter of the Southeast quarter (W½E½E½NW¼SE¼) of said Section 24.

(Said alignment is also known as Rex Avenue also known as 113th Way, from 4th Avenue to Apache Trail in Supervisor District No. 2.)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 18th day of February 2004.

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ROAD DECLARED (ROAD FILE NO. A279)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64041615)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 21st day of January 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width of 60 feet, together with all appurtenances and easements of record, said roadway lying within the East one-half of the East one-half of the Northeast quarter (E½E½NE¼) of Section Twenty-one (21), and the West one-half of the West one-half of the Northwest quarter of Section Twenty-two (22) of Township One (1) South, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows:

The North 30 feet of the South one-half of the East one-half of the East one-half of the Northeast quarter (E½E½NE¼) said Section Twenty-one (21); and

The South 30 feet of the North one-half of the East one-half of the East one-half of the Northeast quarter (E½E½NE¼) said Section Twenty-one (21); and

The North 30 feet of the South one-half of the West one-half of the West one-half of the Northwest quarter (W½W½NW¼) said Section Twenty-two (22); and

The South 30 feet of the North one-half of the West one-half of the West one-half of the Northwest quarter (W½W½NW¼) said Section Twenty-two (22).

(Said roadway also known as Rustler Road from 188th Avenue to 186th Avenue, in Supervisor District No. 5)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 18th day of February 2004.

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Chairman Kunasek called for a public hearing on liquor license applications. No protests having been received on items a) or c), and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson and seconded by Supervisor Wilcox to recommend approval of the following liquor license applications a), as corrected, and c).

- a) Correction to action taken February 4, 2004, regarding application filed by Jonathan Henry Vesper. The February 4, 2004, agenda erroneously indicated the application was for a Series 7 liquor licenses; however the application was for a Series 6 Liquor License. The property was properly posted as a Series 6 and no objections were made. The application is for a Person-to-Person Transfer of a Series 6 Liquor License from Douglas E. Bernstein, Agent, and a Transfer-of-Location: (LL6111)

Business Name: Corte Bella Golf Club
Location: 22129 North Mission Drive, Sun City West
Former Location: Evolution Bar, 15626 North 32nd Street, Phoenix

- c) Application filed by Alvin Jerry Sieve for a Special Event Liquor License: (F23132)

Organization: NOVA Youth Cycling Foundation
Location: McDowell Mountain Park
Dates/Times: Friday, March 19, 2004; 8:00 a.m. – 5:00 p.m.
Saturday, March 20, 2004; 8:00 a.m. – 8:00 p.m.
Sunday, March 21, 2004; 10:00 a.m. – 5:00 p.m.

Motion to recommend approval of a) and c) carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue application b) to the March 17, 2004, meeting.

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- b) **Continued to March 17, 2004 meeting.** Application filed by Carmen Erica Carranza for a Person-to-Person Transfer of a Series 7 Liquor License from Samir S. Yono, Agent, and a Transfer-of-Location: (this case continued from meeting of February 4, 2004.) (Report from Environmental Services recommended DENIAL of application.) (LL6114)

Business Name: Lienso Tres Potrancas
Location: 10153 West Southern Avenue, Tolleson
Former Location: 7704 East Doubletree Ranch Road, Scottsdale

ALLOCATION FROM APPROPRIATED FUND BALANCE FOR THE CLERK OF THE SUPERIOR COURT FINANCIAL SYSTEM STUDY

In accordance with ARS §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and authorize the allocation of \$130,000 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency (4811) line item "Technology Projects" to a special line item in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) titled Clerk of the Superior Court Financial System Study to fund the first phase of an integrated financial system to meet the present and future financial responsibilities of the Clerk's Office. This project phase will identify the scope, tasks, and resources necessary to develop a new Clerk's Office financial system. (C16040038) (ADM1000-003)

TRANSFER FROM APPROPRIATED FUND BALANCE FOR THE CONSTABLES LICENSING SOFTWARE AND HARDWARE

In accordance with ARS §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and authorize the transfer of \$14,588 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency (4811) line item "Technology Projects" to a new line in Appropriated Fund Balance (480) General Fund (100) Technology Projects (4814) entitled "Constables: licensing software and hardware". Approval of the above actions will allow the Constables Office to pay the cost of fully licensing the software and hardware acquired by the Constables Office in FY 2003-2004. (C25040038) (ADM1300)

FILING OF REAL PROPERTY TAX APPEAL AND SPECIAL ACTION IN TAX COURT AGAINST THE STATE BOARD OF EQUALIZATION AND ALBERTSONS, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the filing of a real property tax appeal and, if desired appropriate, a special action in Tax Court against the Arizona State Board of Equalization and Albertsons, Inc., for tax year 2004. (Discussed in executive session on February 2, 2004.) (C1904024M) (ADM413-001)

DENY CITY OF PHOENIX'S REQUEST TO EXTINGUISH 2002 PROPERTY TAXES

As required by ARS §9-404, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to deny the City of Phoenix's request to extinguish the 2002 property taxes for Assessor Parcel Nos. 201-12-549 and 201-12-550. (Discussed in executive session on February 2, 2004.) (C19040250) (ADM708-001)

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FILING OF REAL PROPERTY TAX APPEAL AND SPECIAL ACTION IN TAX COURT REGARDING CHANDLER GATEWAY PARTNERS, LLC

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the filing of a real property tax appeal and, if deemed appropriate, a special action in Tax Court against Chandler Gateway Partners, L.L.C. and the Arizona State Board of Equalization for the 2004 tax year. (Discussed in executive session on February 2, 2004.) (C1904026M) (ADM413-001)

GRANT FUNDING FROM STATE SUBGRANTS FOR HEALTH AND HUMAN SERVICES, ELECTION ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the Election's Department to submit application for grant funding as described on the application for the State Subgrants for Health and Human Services (HHS), Election Assistance for Individuals With Disabilities (EAID) program administered by the Secretary of State, and authorize the Chairman to approve the receipt of any and all such funds awarded. The funding will support the department's Help America Vote Act of 2002. The total amount of funds requested is \$45,397.50. The grant period will cover the upcoming FY 2004 elections within Maricopa County, from January 1, 2004, through September 2005. The department's indirect cost rate is 20.23%. Since the grant funds are being used to purchase voting supplies and capital equipment, indirect costs (\$9,184) are unrecoverable, and no matching dollars pertain to this grant. (C21040080)

ONE-TIME ADDITION TO THE FLEET AND EXEMPT FROM MARKINGS OF ONE RICO FORFEITED SUV

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a one-time addition to the Sheriff's Office fleet of one RICO forfeited SUV. The vehicle will be exempt from governmental markings, including non-governmental license plates, pursuant to ARS §38-538.03. RICO funds will support its operation, maintenance and fuel costs. No vehicle replacement cost is associated with this vehicle since it is a one-time addition to the county fleet and will automatically be removed from MCSO fleet when its useful life has expired. Vehicle information will be provided to the Clerk of the Board's Office. (C5004043M) (ADM3101V)

NEW FULL SERVICE LEASE WITH TELECOM CENTER PHOENIX, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and execute a new Full Service Lease No. L7348 with Telecom Center Phoenix, LLC, for approximately 10,500 square feet of office space at the former Chambers Warehouse located at 301 West Jackson Street, Phoenix. The space will be used for the Sheriff's Information Technology Division located in the basement of the County Administration Building. The lease term is for 48-months commencing on or about July 1, 2004, and expiring on or about June 30, 2008. The lease rates are as follows:

- year one will be \$14 per square foot plus rental tax,
- year two will be \$14.50 per square foot plus rental tax,
- year three will be \$15 per square foot plus rental tax, and
- year four will be \$15.50 per square foot plus rental tax

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Maricopa County will be responsible for all utility expenses resulting from after-hour usage of the space. Maricopa County may cancel this lease at the end of any fiscal year, due to non-appropriation of funds. In the event of early termination by Maricopa County, 1/48th of Lessor's unamortized tenant improvements times the number of full months remaining in the lease term will be owed Lessor. An expense stop, after base year 2004, requires Lessee to pay a pro rata share of increases in operating expenses. The lease contains an option to renew for an additional one-year term upon six-months prior written notice to the landlord. The estimated monthly rental costs including the 2.4% rental tax are as follows:

- Year 1: \$12,544 (10,500 sq. ft @ \$14.00/12 plus 2.4%) plus applicable after-hours utility charge
- Year 2: \$12,992 (10,500 sq. ft @ \$14.50/12 plus 2.4%) plus increases to Base Year Operating Expenses and applicable after-hours utility charge
- Year 3: \$13,440 (10,500 sq. ft @ \$15.00/12 plus 2.4%) plus increases to Base Year Operating Expenses and applicable after-hours utility charge
- Year 4: \$13,888 (10,500 sq. ft @ \$15.50/12 plus 2.4%) plus increases to Base Year Operating Expenses and applicable after-hours utility charge

Also, approve a target adjustment of \$156,000 to the Sheriff's Office FY 2004-2005 budget to accommodate this new operating expense, along with target adjustments in future years to accommodate the annual lease increases. (C50040454)

TRANSFER EXPENDITURE AUTHORITY FOR THE PURPOSE OF HIRING SEVEN LIEUTENANTS AND TEN SERGEANTS TO STAFF THE JAILS

Per ARS §42-17106, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to transfer expenditure authority from FY 2003-2004 contingency funds in the amount of \$331,020 (annualized impact is \$957,571) as follows: \$181,020 from General Government (470) Detention Fund (Fund 255) Reserved Contingency/New Facility Operating Costs and \$150,000 from General Government (470) Detention Fund (255) Reserved Contingency/Sheriff: Overtime to the Sheriff's Office (500) Detention Fund (Fund 255). Approval of this action will allow the Sheriff's Office to hire seven lieutenants and ten sergeants to staff the Maricopa County Jails. (C50045428) (ADM3700-001)

AMENDMENT TO LEASE WITH ONE WEST MADISON ASSOCIATES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No. 4 to Lease No. L7118, with One West Madison Associates, Lessor, for three Justice Courts located at 1 West Madison, Phoenix. The current term will expire on January 31, 2005. This amendment to the existing 25,000 square foot lease will extend the term an additional three-years and five-months from January 31, 2005, through June 30, 2008. It also has the effect of revising the rent schedule and delaying a scheduled rent increase for five-months until July 1, 2004. Annual rents under the revised schedule are as follows:

- \$460,800 from July 1, 2004 to June 30, 2005
- \$467,200 from July 1, 2005 to June 30, 2006
- \$473,600 from July 1, 2006 to June 30, 2007, and
- \$480,000 from July 1, 2007 to June 30, 2008.

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The county will be responsible for any rental taxes due on the lease. The amendment contains a provision that reaffirms the county's right to terminate the lease at any time with 180-days written notice. (C24990084)

MARICOPA COUNTY AND JUDICIAL BRANCH PERSONNEL AGENDAS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

SOLE SOURCE AGREEMENT WITH ALL ABOARD AMERICA

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to renew and authorize a sole source agreement with All Aboard America for an express bus service program and continue subsidization of the program at \$56 per month, per qualifying employee; to cover the period from July 1, 2003, to June 30, 2004. The total cost per monthly pass is \$90, with employees paying \$34. All Aboard America may request an increase in the contract amount if fuel prices increase more than 10%. The request must be in writing 30-days prior to the requested date and be approved by the Board of Supervisors. (C31040041) (ADM3314)

AMENDMENT TO FY 2003-2004 FIVE-YEAR CAPITAL IMPROVEMENT PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following amendment to the FY 2003-2004 five-year Capital Improvement Plan:

- Amend the FY 2003-2004 five-year Capital Improvement Plan project titled "San Tan Mountain Regional Park Improvements" in the General Government Capital Improvements Fund (445), by increasing the Year 2 (FY 2004-2005) project cost in the amount of \$148,000 and authorize the Parks & Recreation Department to proceed with the implementation and oversight of the completion of programming, procurement and construction of the project;
- Funding for the increased amendment to this project will be from funds received from the sale of the Maricopa County owned property and building site of the George L. Campbell Branch Library to the Library District on January 7, 2004 (C1804015B). These funds were deposited to the General Fund (Department 480 Fund 100), and will be transferred to the General Fund County Improvement Fund (Department 470 Fund 445) in FY 2004-2005.

The requested action results in an increase of \$148,000 to the current five-year Capital Improvement Plan, and will be funded in FY 2004-2005. (C3003025801) (ADM1820) (ADM3233)

CALL FOR BIDS AND AWARD – SAN TAN MOUNTAIN REGIONAL PARK IMPROVEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize a call for bids, award a contract to the lowest responsible bidder if the bid does not exceed the architect's estimate by more than 10%, for the construction of the "San Tan Mountain Regional Park Improvements". The full scope of work for this project includes construction and furnishings for a 2,080 square foot entry station with public restrooms and drinking fountain, employee and visitor parking, two park

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host sites, and infrastructure such as an entry road, water, electric, telephone, and septic system. (C30040165) (ADM3233)

INCREASE TO TARGET EXPENDITURE BUDGET IN PARKS ENHANCEMENT SPECIAL REVENUE FUND

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize an increase to the target Expenditure Budget in the Parks Enhancement Special Revenue Fund to increase funding for FY 2005 by \$175,000 for one-time project expenditures available within the fund balance. The Parks & Recreation Department has identified several one-time capital, service and safety improvement projects, which it has prioritized for the department and requests the use of the fund balance to achieve these goals. These items include a new group ramada at the Estrella Mountain Regional Park, the closure of mines at the Cave Creek Mountain Regional Park which have been identified as a safety risk by an independent survey conducted at the request of Risk Management and the Parks department, the development of a business systems plan for the automation of the camping reservation system, including an internet reservation system, the purchase of a mini-excavator for the trails crew and the addition of several shade ramadas at family picnic areas. (C30040178) (ADM3200-003)

INCREASE TO GENERAL FUND BASE TARGET FOR FY 2005

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an increase to the Parks and Recreation Department's General Fund Base target for FY 2005 in the amount of \$151,321 for the lease payments at 411 North Central, Suite 470 where the Office of Parks and Recreation Department reside. The Parks Department was forced to relocate from 35th Avenue and Durango to accommodate the expansion of the jails. The jail tax funded the lease payments until June 2004. (C30040180) (ADM3200-003)

FUND TRANSFERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

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Award of Solicitation Serials:

- 03058-C ERGONOMIC KEYBOARD PLATFORM TRAYS AND ACCESSORIES INCLUDING INSTALLATION** (\$300,000 est./three (3) years, with three (3) one-year renewal options)
Pricing agreement to purchase ergonomic keyboard platform trays and accessories including installation for use in various county departments.
- E J Office Furniture, Inc.
- 03125-RFP SIGNAGE** (\$1,000,000 est./three (3) years, with three (3) one-year renewal options)
Pricing agreement to purchase signage for interior and exterior usage in various county departments.
- Fluoresco Lighting-Sign Maintenance Corp.
- 03246-S ARMORED CAR PICK-UP AND DELIVERY SERVICE** (\$345,000 est./three (3) years, with three (3) one-year renewal options)
Pricing agreement for armored car pick-up and delivery service for county agencies.
- Dunbar Armored, Inc.

Contract Extensions:

The extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until February 28, 2005

- 00008-SC ADVERTISING SERVICES** (\$750,000 est./one (1) year)
Pricing agreement renewal to provide advertising services for the Sheriff and County Attorney's Office.
- Arizona Interscholastic Association
 - Bliss Marketing/Multimedia
 - Clear Channel Communications (Yuma)
 - Clear Channel Communications (Tempe)
 - Cooley Advertising & Public Relations
 - Emmis Radio Corporation
 - KLJZ-FM
 - KNXV-TV 15
 - KSAZ-TV
 - KPNX Broadcasting
 - KTVK INC
 - KTVW
 - Radio Station Kahm
 - Rita Sanders Advertising & Public Relations Agency, Inc.
 - SMP Communications
 - Suzie Guzman Solutions Inc

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- Tribune
- Viacom Outdoor Inc
- Yavapai Broadcasting Corporation

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- 01062-X OPTICAL SCAN VOTE TABULATION SYSTEM AND SERVICES** (\$830,000 est./one (1) year)
Pricing agreement renewal for maintenance, necessary installation and technical assistance for the county's Optical Scan Vote Tabulation System used by the Elections Department.
- Election Systems & Software

Intergovernmental cooperative purchasing agreement:

Execution of an Intergovernmental Cooperative Purchasing Agreement with Yavapai County. (C730411002)

DONATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the donation of 6,000 bait stations by Maricopa County Environmental Services Department (MCESD) to Valley municipalities and towns. The MCESD will give up to 350 bait stations to each municipality on a first come first served basis until supplies are exhausted. Municipalities and towns will be responsible for pickup and installation of the bait stations. (C88040337) (ADM2350)

DISPOSAL OF SIX-YEAR OLD SATURN 2000 GAS CHROMATOGRAPH/MASS SPECTROMETER

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve disposal of six-year old Saturn 2000 Gas Chromatograph/Mass Spectrometer in the Office of the Medical Examiner toxicology laboratory in exchange for training on how to repair laboratory instruments and credit on maintenance service agreement from Full Spectrum Analytics (FSA) worth \$16,560. The value of this equipment was determined through a competitive solicitation conducted by the Materials Management Department. Requests for bids were sent to seven county registered vendors for that commodity class. Full Spectrum Analytics (original equipment service/maintenance provider) was the only company that submitted a bid to buy this equipment. Lack of interest in this solicitation confirmed that this used equipment had limited appeal and was unauctionable. The bid received was determined to be fair and reasonable, and advantageous to the county. (C29040020) (ADM2170-002)

DONATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a donation of three four-year old Zymark Rapid Trace auto analyzers to the Office of the Medical Examiner toxicology laboratory by the Phoenix Police Department Crime Laboratory at an estimated value of \$10,500 to be used for the automated extraction of drugs from biological materials. (C29040030) (ADM2170-002)

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CHANGE ORDER TO CONTRACT WITH CANNON/DWORSKY

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Change Order No. 10 to Contract JE99-05 Cannon/Dworsky in the amount of \$531,094. This contract is for architectural design, construction administration, and related professional services for the construction of the Durango and Mesa Southeast Juvenile Detention Facilities/Courts. Change Order No. 10 incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. (C4000010102)

CHANGE ORDER TO CONTRACT WITH TARGET GENERAL, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Change Order No. 25 to Contract JE01-02 with Target General, Inc. in the amount of \$594,368. The contract is for the construction of the Lower Buckeye Jail Adult Detention Facility. Change Order No. 25 incorporates various changes required to complete construction and allow occupancy. The increase is within the budget. (C4001010007)

CHANGE ORDER TO CONTRACT WITH SMITH/WOODS CONTRACTING

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Change Order No. 11 to Contract JE01-07 with Smith/Woods Contracting in the amount of \$84,233. This contract is for the construction of the Southeast Juvenile Detention Facility. Change Order No. 11 incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. (C4001025106)

VEHICLES EXEMPT FROM MARKINGS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the exemption from markings of the list of vehicles on file in the office of the Clerk of the Board of Supervisors, until March 31, 2005, pursuant to ARS §38-538.03. This is the annual renewal of exemptions that were previously approved by the Board. The exemption from markings is requested due to the vehicles being used for felony investigations, activities of a confidential or sensitive nature, and social service work. (C7404002M) (ADM3101V)

**ADVERTISEMENT OF PUBLIC NOTICE AND AWARD OF CONSTRUCTION MANAGER AT-RISK
CONSTRUCTION CONTRACT FOR MARICOPA COUNTY ADMINISTRATION TENANT
IMPROVEMENTS BUILDING PROJECT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the advertisement of the public notice and award of a Construction Manager At-Risk construction contract for the Maricopa County Administration Tenant Improvements Building No. 3310, Project No. 2003414078F, located at 301 West Jefferson Street, Phoenix, provided that the guaranteed maximum price is not more than 10% over the independent estimate. The Administration Building will be partially reconfigured to accommodate the County Attorney's office, Human Resources, County Assessor's Office, and County Recorder's Office. Interior demolition consists primarily of non-load bearing walls, flooring, ceilings, and miscellaneous casework and interior accessories. No major mechanical, electrical, or plumbing work is included – project is mostly limited to relocating existing devices and fixtures. Interior construction will consist of new non-load bearing walls, new flooring, new ceilings, and associated interior construction. The demolition and construction of several spaces will take place on

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occupied floors of the building. The contractor will be responsible for controlling dust, noise, and traffic in such a manner that county employees and customers are disrupted as little as possible. Additionally, adherence to the project schedule is critical to maintain required move-in dates for elected officials and their offices. (C49040178) (C70040705)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. List on file in the Office of the Clerk of the Board of Supervisors. (ADM2007)

- | | |
|-------------------|---|
| A013.001
(CS) | Project No: 23012602 - Alma School (Halley Drive to Champagne Drive) - Agreement for Right of Entry - Parcel No. 303-51-977A - Old Republic Title Insurance Agency, Inc., an Arizona corporation, as Trustee - for the sum of \$100.00. |
| A013.002
(CS) | Project No: 23012602 - Alma School (Halley Drive to Champagne Drive) - Agreement for Right of Entry - Parcel No. 303-51-191 - Viola R. Bowling, Trustee - for the sum of \$100.00. |
| A013.003
(CS) | Project No: 23012602 - Alma School (Halley Drive to Champagne Drive) - Agreement for Right of Entry - Parcel No. 303-51-239 - Sun Lakes Homeowners Association No. 3, Inc. an Arizona nonprofit corporation - for the sum of \$100.00. |
| A102.004
(CE) | Project No: 69010 - 78th Street (McDowell Road to Palm Lane) - Ratification of Quit-Claim Deed - Parcel No. 219-22-010A, 010B, 010K - Vern B. Millard and Laura R. Millard. |
| A229.001
(DWM) | Project No: 69010 - PM10 / Palm Lane (78th Street to Hawes Road) - Easement and Agreement for Highway Purposes - Parcel No. 219-22-014D - Joanne K. Webber and Robin Joan Salmaggi - for the sum of \$10,990.00. |
| A229.001
(DWM) | Project No: 69010 - PM10 / Palm Lane (78th Street to Hawes Road) - Purchase Agreement and Escrow Instructions - Parcel No. 214-22-014D - Joanne K. Webber and Robin Joan Salmaggi. |
| A276.016
(EGA) | Project No: 69010 - 17th Avenue (Joy Ranch Road to Irvin Road) - Easement and Agreement for Highway Purposes - Parcel No. 211-50-003X - Daniel Davis and Joann D. Gibbs-Haymes - for the sum of \$8,293.00. |
| A276.016
(EGA) | Project No: 69010 - 17th Avenue (Joy Ranch Road to Irvin Road) - Purchase Agreement and Escrow Instructions - Parcel No. 211-50-003X - Daniel Davis and Joann D. Gibbs-Haymes. |
| A279.010
(CS) | Project No: 69010 - Rustler Road (188th Avenue - 186th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 400-52-130 - Richard Earl Malone - for the sum of \$3,000.00. |
| A279.010
(CS) | Project No: 69010 - Rustler Road (188th Avenue - 186th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 400-52-130 - Richard Earl Malone. |

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- DD-9441 (CS) Project No: 69010 - (SWC Tatum Road and Dynamite Road) - Warranty Deed - Parcel No. 212-18-025 - National Realty Company, Inc., an Arizona Corporation and JAML Ltd., an Arizona limited partnership - for the sum of \$10.00.
- DD-9441-6 (CS) Project No: 69010 - (SWC Tatum Road and Dynamite Road) - Easement - Parcel No. 212-18-025 - National Realty Company, Inc., an Arizona Corporation and JAML Ltd., an Arizona limited partnership - for the sum of \$10.00.
- DD-9441-7 (CS) Project No: 69010 - (SWC Tatum Road and Dynamite Road) - Easement - Parcel No. 212-18-025 - National Realty Company, Inc., an Arizona Corporation and JAML Ltd., an Arizona limited partnership - for the sum of \$10.00.
- W-4181 (EGA) Project No: 68719 - Joy Ranch Road (19th Avenue to 7th Street) - Easement and Agreement for Highway Purposes - Parcel No. 211-50-035D - Diana G. Harnack - for the sum of \$9,400.00.
- W-4181 (EGA) Project No: 68719 - Joy Ranch Road (19th Avenue to 7th Street) - Purchase Agreement and Escrow Instructions - Parcel No. 211-50-035D - Diana G. Harnack.

CHANGE ORDERS TO CONTRACT WITH CARTER & BURGESS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Change Orders No. 4 and 5 to Contract No. CY 1998-18 in the following amounts with Carter & Burgess for the McQueen Road from Queen Creek Road to Pecos Road Project, Project No. T076, (McDOT No. 68949):

- a. \$57,828 to perform additional design services, per the request of the county and the City of Chandler. This change order will increase the total contract amount by \$57,828 for a revised contract amount of \$624,058.76. (C6498278505)
- b. \$2,000 to perform additional work, increasing the total contract amount by \$2,000 for a revised contract amount of \$626,058.76. (C6498278506)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF AVONDALE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of Avondale for Emergency Traffic Management Mutual Aid (REACT). The agreement allows for the exchange of services or reimbursement for services provided. Either party may terminate this agreement upon furnishing the other party with written notice at least 30-days prior to the effective date. (C64041640)

REIMBURSEMENTS TO SALT RIVER PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursements to Salt River Project (SRP) for the following:

- a) \$65,700 for engineering services and construction by SRP forces for the relocation and installation of their electrical facilities in conflict with the McDOT Project T076 (68949), McQueen Road, Queen Creek Road to Pecos Road.

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McDOT acknowledges that SRP has prior rights for these facilities. The cost may not exceed the estimated amount of \$65,700 by more than 10%. Execute a design and construction agreement authorizing SRP to relocate and invoice McDOT for the relocation of 3 poles having prior rights. The poles will be relocated to accommodate the McDOT road-widening project. (C64041675)

- b) \$29,410 for engineering services and construction by SRP forces for the relocation and installation of their electrical facilities in conflict with the McDOT Project TO38 (16215), Elliot Road, 27th Avenue to 47th Avenue. McDOT acknowledges that SRP has prior rights for these facilities. The cost may not exceed the estimated amount of \$29,410 by more than 10%. Execute a design and construction agreement authorizing SRP to relocate and invoice McDOT for the relocation of one pole and guy wire having prior rights. The pole will be relocated to accommodate the McDOT road-widening project. (C64041685)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF SURPRISE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of Surprise for the design and installation of a traffic signal at the intersection of Greenway Road and SR 303L. The estimated cost for design and installation is \$750,000, with the city contributing 50% of the actual costs, CIP Project No. T004, Job No. 68890. (C64041722)

MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE (MWBE) PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to clarify the date of the approval and extension of the Minority and Women Owned Business Enterprise (MWBE) Program for Maricopa County. The Minority and Women Owned Business Enterprise (MWBE) Program for Maricopa County expired June 30, 2002. On August 27, 2003, Agenda Number C64040625 was submitted to the Board to set a public hearing for September 24, 2003. A hearing was held by the Board on September 24, 2003, in order to gather community input, and no public comments were noted. In addition, at the hearing, the Board approved the extension of the Program for 10 years, until June 30, 2012. The purpose of this agenda is to confirm that the MWBE Program was extended ten years and will terminate at the end of FY 2012, June 30, 2012. The MWBE Program documents will be updated to reflect this revised date. (C64041735) (ADM679)

REIMBURSEMENT AND ACCEPTANCE OF SALT RIVER PROJECT DESIGN AND CONSTRUCTION CONTRACT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement and acceptance of Salt River Project Design and Construction Contract for SRP Job Order JE6-90067, dated January 21, 2004, for costs incurred for their relocation of their facilities in conflict with McDOT Project 23012610, Power Road at Farmers Market – ½ mile south of Elliot Road. The cost may not exceed the current estimate of \$13,428 by more than 10%. (C64041745)

EASEMENT TO CITY OF PEORIA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an easement from Maricopa County to City of Peoria for a road construction project the City of

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Peoria is planning on Pinnacle Peak and Lake Pleasant Parkway. The easement will bring \$100 of revenue to Maricopa County for FY 2003-2004. The easement is 5,009 square feet. (C64041775) (ADM2007)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF LITCHFIELD PARK

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of Litchfield Park for improvements to an existing drainage ditch and aesthetic improvements to the right of way along the west side of Dysart Road from Indian School Road to Camelback Road. Total cost of the improvements is estimated at \$160,000. The city will contribute \$60,000 to the project. (C64041782)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F).

Name	Old Rate	New Rate	Class Title	Code	Effective Date
Dept: 90 Maricopa Medical Center					
Aiwas, Sargon	\$7.50	\$8.94	Ltc Attendant (G)	Ic	1/4/04
Anderson, Michael	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	1/26/04
Barden, Joelle S	\$27.00	\$27.20	Registered Nurse	Coa	1/18/04
Barkhurst, Jeffrey	\$12.51	\$13.86	Pharmacy Tech Certified	Pro	1/4/04
Bassett, Dawn M	\$0.00	\$27.20	Registered Nurse	Reh	1/20/04
Beard, Bee Lee	\$0.00	\$18.50	Registered Nurse	Nhc	1/15/04
Bernal, Esmeralda	\$0.00	\$11.75	Patient Care Assistant	Nhc	1/20/04
Billingsly, Alfreeda	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	1/15/04
Bond, Louise D	\$10.04	\$11.80	Pharmacy Tech Certified	Pro	1/4/04
Campillo, Lize S	\$0.00	\$11.28	Burn Tech Certified	Nhr	1/20/04
Carroll, James A	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	1/26/04
Cheeks, Kyle L	\$0.00	\$11.28	Burn Tech Certified	Nhr	1/20/04
Coombs, Leo	\$9.02	\$10.00	Pharmacy Tech Certified	Pro	1/4/04
Cusick, Andrew R	\$10.09	\$12.00	Licensed Practical Nurse	Pro	2/1/04
Davault, Tamra J	\$0.00	\$15.00	Registered Nurse Intern	Nhr	1/20/04
Defiesta	\$9.34	\$8.94	Ltc Attendant (G)	Ic	1/4/04
Dines, Alicia M	\$7.88	\$7.22	Ltc Attendant (F)	Ic	10/17/03
Eke, Victorine	\$9.34	\$8.94	Ltc Attendant (G)	Ic	12/21/03
Fields, Marcella E	\$8.19	\$9.34	Ltc Attendant (G)	Pro	1/12/04
Gafkjen, Jody M	\$0.00	\$18.25	Registered Nurse	Nhr	1/20/04
Gartner, Tanya M	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	1/12/04
Guzman, Melissa R	\$0.00	\$11.26	Dialysis Tech	Nhr	1/19/04
Jackson, Vickie S	\$0.00	\$8.99	Ltc Attendant (G)	Reh	1/26/04
Jenkins, Mary L	\$0.00	\$7.88	Ltc Attendant (F)	Reh	1/26/04
Kelly, Aricca A	\$11.52	\$9.75	Dental Assistant	Coa	1/18/04
King, Lynnette M	\$0.00	\$27.20	Registered Nurse	Nhr	1/20/04
Langston, Anita	\$7.50	\$8.94	Ltc Attendant (G)	Pro	1/12/04
Lela, Adriana D	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	1/15/04
Leos, Rose E	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	1/15/04
Linich, Jacqueline J	\$0.00	\$27.20	Registered Nurse	Nhr	1/20/04
Lira, Lupe C	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	1/15/04

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Marsh, Heather M	\$0.00	\$10.09	Nurse Extern	Nhc	1/20/04
Martin, Michael E	\$0.00	\$10.30	Security Officer Non-Cert	Reh	1/20/04
Mazique, Anita L	\$28.26	\$28.05	Registered Nurse	Coa	1/18/04
Mega, Sandy A	\$0.00	\$15.00	Registered Nurse Intern	Nhr	1/20/04
Mirzayeva, Aleksand	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	1/15/04
Morgan, Frances E	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	1/26/04
Nash, Jacqueline L	\$36.37	\$28.05	Registered Nurse	Dem	1/4/04
Nash, Kathryn M	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	1/15/04
Nava, Elizabeth	\$0.00	\$13.08	Lab Assist/Phlebotomist	Nhc	1/20/04
Ocampo, Liliana	\$0.00	\$9.60	Medical Assistant	Nhr	1/20/04
Oliver, Rose A	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	1/26/04
Peebler, Susan	\$14.55	\$17.71	Ltc Order Entry Coord	Pro	1/19/04
Pollard, Veldayvatt	\$8.94	\$8.94	Ltc Attendant (G)	Coa	1/1/04
Quinn, Sylvia H	\$0.00	\$15.60	Licensed Practical Nurse	Reh	1/20/04
Reyes, Marta L	\$8.19	\$9.34	Ltc Attendant (G)	Pro	1/20/04
Rieck, Mary A	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	1/20/04
Robbins, Bree K	\$0.00	\$18.50	Radiologic Technologist	Nhr	1/20/04
Robinson, Juanita R	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	1/20/04
Romo, Lidia P	\$8.19	\$9.34	Ltc Attendant (G)	Pro	1/20/04
Rouland, Pamela J	\$0.00	\$8.99	Ltc Attendant (G)	Reh	1/16/04
Rowe, Ada M	\$10.71	\$13.51	Patient Care Assistant	Coa	1/18/04
Santamaria, Irma L	\$0.00	\$12.70	Registration Specialist	Nhr	1/20/04
Saylor, Freida	\$7.88	\$8.99	Ltc Attendant (G)	Pro	1/1/04
Schwartz, Susan E	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	1/26/04
Shaver, Susan B	\$28.18	\$28.26	Registered Nurse	Coa	1/18/04
Shpitalnik, Alla	\$0.00	\$9.00	Medical Office Recep.	Nhr	1/20/04
Simpson, Geneva A	\$0.00	\$10.65	Registration Specialist	Nhr	1/20/04
Sutton-Jones, Junie	\$13.42	\$14.88	Pharmacy Tech Certified	Pro	1/4/04
Thirdgill, Marie	\$8.94	\$12.00	Staffing Coordinator	Pro	11/9/03
Torres-Hernandez, M	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	1/15/04
Tovar, Anna L	\$0.00	\$20.00	Licensed Practical Nurse	Reh	1/20/04
Tracy, Veronica R	\$12.46	\$13.81	Pharmacy Tech Certified	Pro	1/4/04
Vasquez, Anrea N	\$0.00	\$15.00	Registered Nurse Intern	Nhr	1/20/04
Vasquez, Maria E	\$7.88	\$8.99	Ltc Attendant (G)	Pro	1/20/04
West, Theresa A	\$8.19	\$9.34	Ltc Attendant (G)	Pro	1/20/04
Williams, Christella	\$7.88	\$8.60	Ltc Attendant (G)	Pro	1/26/04

ADV-Salary Advancement
CNL-Cancel Appointment
COR-Correction
COA-Change of Appointment
DEM-Demotion
IC – Insurance Chg/Att Care Wkrs

NHC-New Hire Contract
NHR-New Hire Regular
NHT-New Hire Temporary
PRO-Promotion
REH-Rehired
RIF-Reduction in Force
RET-Retired

RES-Resigned
SWR-Ret fr Spl Work Assign
SUS-Suspension
SWA-Special Work Assignment
TTC-Transfer to County
TRN-Department Transfer

CONTRACT WITH PHOENIX INDIAN CENTER dba MENDING WAY COUNSELING PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve new contract with Phoenix Indian Center, dba Mending Way Counseling Program for the provision of outpatient behavioral services for the term upon Board approval through January 31, 2009.

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This contract will be paid at a percentage of the Outpatient Behavioral Health Pool with a not-to-exceed amount of \$1,000,000, approved by the Board February 16, 2000, (Agenda Item C60002081). The contract may be terminated by either party with 90-days written notice and may be extended for a not-to-exceed total term of five years. (C60042221)

APPOINTMENT OF JERRY GEERING

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to appoint Mr. Jerry Geering to the Travel Reduction Program Regional Task Force, as the District 4 nominee. The term of appointment will be from the date of Board approval, through January 31, 2005. (C06040299) (ADM2358-001)

RESIGNATION OF STEVEN NELSON, M.D.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the resignation of Steven Nelson, M.D., from the Board of Health, effective upon Board of Supervisors' action. (C06040309) (ADM2101-001)

APPOINT JAMES CANDLAND

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to appoint James Candland to the Board of Health, as the District 2 nominee. This appointment will fill the unexpired portion of the term set to expire on January 1, 2005. (C06040339) (ADM2101-001)

REAPPOINTMENT OF MR. BEN BETHEL

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to reappoint Mr. Ben Bethel to the Citizen's Transportation Oversight Committee, as the District 5 nominee. The term of reappointment will be from the date of Board approval through January 10, 2007. (C06040319) (ADM2047-001)

HEARING SET – ENVIRONMENTAL SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule a public hearing, as required by ARS §49-479(b), for 9:00 a.m., Wednesday, April 7, 2004, to solicit comments on proposed revisions to the following Maricopa County Air Pollution Control Regulations: Rule 280 (Fees). Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rule 280 to July 1, 2003. (C88040277) (ADM2354)

HEARING SET – DEANNEXATION/ANNEXATION

Pursuant to ARS §9-471.02, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, March 17, 2004, regarding ordinances filed by the City of Phoenix and the City of Peoria deannexing and annexing certain territory within their present corporate limits. The City of Phoenix will deannex and the City of Peoria will annex a portion of a 55 foot wide parcel along the alignment of 67th Avenue between Dixileta Drive alignment and Dynamite Boulevard alignment, approximately 4.2538 acres, 0.0066 square miles. (ADM4212)

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HEARING SET – ROAD FILE DECLARATIONS

Petitions have been filed for declaration of the following roads into the county highway system. Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule a hearing for 9:00 a.m., Wednesday, March 17, 2004:

Road File A189: General vicinity of Carline Lane from 56th Street to end of maintenance. (C64041765)
Road File A216: General vicinity of 114th Street from Weir Avenue to Vine Avenue. (C64041755)

HEARING SET - PLANNING AND ZONING CASES

None were reported at this time.

MINUTES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held November 12, 13, 17, 24, December 8, 11, 15, 17, and 22, 2003.

PAYMENT OF ASRS CLAIMS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of the following current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (List on file in the Office of the Clerk of the Board of Supervisors.) (ADM3309)

<u>Name</u>	<u>Total Employer Cost</u>	<u>Name</u>	<u>Total Employer Cost</u>
Constance Anderson	\$ 277.47	Brandi Drew	\$ 162.32
Enika Henry	11.01	Tiffany Lafnear	95.63
Jeanne Maske	144.22	Barbara McIntyre	9,374.58
C Nhan	627.13	Julie Ruegsegger	3,000.43
Therese Stephens	38,700.93	Teresa Wilson	9,784.97
Maria Winfrey	510.64		

COMPROMISE – HELENE ABRAMS V MARICOPA COUNTY CV2002-022336

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize compromise and settlement of lawsuit filed in Helene Abrams v Maricopa County CV2002-022336. See claim on file in the Office of Clerk of the Board of Supervisors. (This case discussed in executive session on November 17, 2003.) (ADM3309)

2004 COMBINED CHARITABLE CAMPAIGN CONTRIBUTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the acceptance of cash and in-kind contributions generated for the 2004 Combined Charitable Campaign through corporate sponsorships and donations. These contributions will support the expenses associated with the Maricopa County 2004 Combined Charitable Campaign and will also be used as incentives to encourage employee participation. Itemized listings of commitments and donations received will be on file in the Office of the Clerk of the Board. (ADM3311-002)

MIHS-HP CLAIMS RESOLUTION PROCESS

No claims were presented at this time. (ADM409-001)

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated February 18, 2004, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

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SECURED TAX ROLLS

No corrections were presented at this time. (ADM705)

CANVASS OF ELECTIONS SUBMITTED BY SPECIAL DISTRICTS

Pursuant to ARS §16-642(B), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts listed below, and on file in the Office of the Clerk of the Board.

Electrical District No. 6 (ADM4469)
Electrical District No. 7 (ADM4470)

TAX ABATEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office in accordance with the report on file in the Office of the Clerk of the Board of Supervisors. (ADM708)

Parcel #	Year	Proposed Abatement
501-71-001T-1	1995	\$1,409.94
501-71-001T-1	1996	\$1,243.05
501-71-001T-1	1997	\$1,138.80
501-71-001T-1	1998	\$1,528.69
501-71-001T-1	1999	\$1,395.03
501-71-001T-1	2000	\$1,291.64
501-71-001T-1	2001	\$1,047.87
501-71-001T-1	2002	\$6,635.95

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approval is requested that duplicate warrants be issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Arthur N Moreno	240010243	General	\$1,219.04
Executive Direction Inc	340515465	Expense	\$4,224.00
Sally Stearman	340532593	Expense	\$2,108.40
Deborah Joy Lewis	340519569	Expense	\$1,500.00
Julie Bank	240000344	Payroll	\$297.18
Laurie A Luz	330508335	Expense	\$60.00

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SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Michael McCracken	Fowler SD	14-0064408	\$73.88
Viking Office Products	Agua Fria Union High SD	440050482	\$95.55
Carol Schaefer	FHUSD #98	98532155	\$55.12
Sue Chyzy	Littleton SD	44-0071017	\$68.32
Roosevelt SD #66	Roosevelt SD #66	44-0062022	\$75.00
Cladio Jr. Rosas	Dist #214	14-0076589	\$25.75

STALE DATED WARRANTS

No warrants were presented at this time. (ADM1816)

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the settlement of tax cases on file in the Office of the Clerk of the Board of Supervisors, list dated February 18, 2004. (ADM704)

2002	2003/2004
TX 01-000606	ST 03-000098
TX 03-000287	TX 02-000494
2003	TX 03-000049
TX 02-000528	2004
TX 02-000532	ST 03-000060
TX 03-000078	TX 03-000476
TX 03-000111	TX 03-000521

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Assessor's recommendation to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	FROM	TO
102-80-155	2001	Lejandro Manzur	LC/4	LC/3
102-80-155	2002	Lejandro Manzur	LC/4	LC/3
102-80-155	2003	Lejandro Manzur	LC/4	LC/3
106-25-015	2001	Maria Lopez	LC/4	LC/3
106-25-015	2002	Maria Lopez	LC/4	LC/3
106-25-015	2003	Maria Lopez	LC/4	LC/3
109-60-070	2001	Marcella Alvarado	LC/4	LC/3
109-60-070	2002	Marcella Alvarado	LC/4	LC/3
109-60-070	2003	Marcella Alvarado	LC/4	LC/3
117-20-135	2001	Remedios Sanchez	LC/4	LC/3
117-20-135	2002	Remedios Sanchez	LC/4	LC/3

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117-20-135	2003	Remedios Sanchez	LC/4	LC/3
123-16-085	2001	Ed W Taylor	LC/4	LC/3
123-16-085	2002	Ed W Taylor	LC/4	LC/3
123-16-085	2003	Ed W Taylor	LC/4	LC/3
130-01-083	2001	Robert Le Noue	LC/4	LC/3
130-01-083	2002	Robert Le Noue	LC/4	LC/3
130-01-083	2003	Robert Le Noue	LC/4	LC/3
131-06-262A	2001	Ana Estrada	LC/4	LC/3
131-06-262A	2002	Ana Estrada	LC/4	LC/3
131-06-262A	2003	Ana Estrada	LC/4	LC/3
140-33-672	2001	Elmer Young	LC/4	LC/3
142-85-184	2001	Virginia Aaron	LC/4	LC/3
142-85-184	2002	Virginia Aaron	LC/4	LC/3
142-85-184	2003	Virginia Aaron	LC/4	LC/3
142-89-030	2001	Lavon Williamson	LC/4	LC/3
142-89-030	2002	Lavon Williamson	LC/4	LC/3
142-89-030	2003	Lavon Williamson	LC/4	LC/3
145-13-245	2001	Karen Henke	LC/4	LC/3
145-13-245	2002	Karen Henke	LC/4	LC/3
145-13-245	2003	Karen Henke	LC/4	LC/3
149-17-664	2001	Marlene Cordes	LC/4	LC/3
149-17-664	2002	Marlene Cordes	LC/4	LC/3
149-17-664	2003	Marlene Cordes	LC/4	LC/3
166-47-125	2001	Twila Koon	LC/4	LC/3
166-47-125	2002	Twila Koon	LC/4	LC/3
166-47-125	2003	Twila Koon	LC/4	LC/3
176-24-219	2001	Gary Wilmot	LC/4	LC/3
176-24-219	2002	Gary Wilmot	LC/4	LC/3
176-24-219	2003	Gary Wilmot	LC/4	LC/3
200-30-142	2003	Michael Ports	LC/4	LC/3
200-52-236	2000	Juanita Courtney	LC/4	LC/3
200-52-236	2001	Juanita Courtney	LC/4	LC/3
200-52-236	2002	Juanita Courtney	LC/4	LC/3
212-05-415	2003	Jennifer De Stefano	LC/4	LC/3
214-01-205	2002	Daniel Cooper	LC/4	LC/3
214-01-205	2003	Daniel Cooper	LC/4	LC/3
217-49-084B	2001	Geraldine Klaiman	LC/4	LC/3
217-49-084B	2002	Geraldine Klaiman	LC/4	LC/3
217-49-084B	2003	Geraldine Klaiman	LC/4	LC/3
231-07-698	2003	V J Carmosino	LC/4	LC/Mixed
301-55-433	2001	Daniel Hills	LC/4	LC/3
301-55-433	2002	Daniel Hills	LC/4	LC/3
301-55-433	2003	Daniel Hills	LC/4	LC/3
302-27-410	2001	Nancy Curtis	LC/4	LC/3
302-27-410	2002	Nancy Curtis	LC/4	LC/3
302-27-410	2003	Nancy Curtis	LC/4	LC/3
302-80-468	2003	Kelli L Slous	LC/4	LC/Mixed
504-52-033	2001	Levi Ed Beard	LC/4	LC/3
504-52-033	2002	Levi Ed Beard	LC/4	LC/3
504-52-033	2003	Levi Ed Beard	LC/4	LC/3

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507-04-269	2001	Ronald Applebeck	LC/4	LC/3
507-04-269	2001	Ronald Applebeck	LC/4	LC/3
507-04-269	2001	Ronald Applebeck	LC/4	LC/3

GERALD J. PORTER APPOINTED SUPERIOR COURT JUDGE PRO TEMPORE

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the appointment of Gerald J. Porter as a Superior Court Judge Pro Tempore for the period from February 1, 2004, through December 31, 2004, to serve in the various programs in the Superior Court to reduce trial delay. (Addendum A-1) (C38040177) (ADM1001)

FUND TRANSFER

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the transfer, in accordance with ARS §41-17106(b), and expenditure of not-to-exceed \$500,000 from Appropriated Fund Balance General Fund General Contingency (Department 480, Fund 100), to a new line item in Appropriated Fund Balance General Fund Other Programs entitled ASRS Contributions Not Withheld. These funds will be used to pay for the County's portion of Arizona State Retirement System contributions (and accumulated interest) for employees who were eligible for participation in the retirement plan, but who did not contribute to the system due to an administrative oversight. (Addendum A-2) (C49040228) (ADM3309)

PAYMENT OF CLAIMS

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize payment of updated claims submitted by the Arizona State Retirement System on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. The claim amounts have been updated to include accrued interest not included in the amounts previously authorized for payment by the Board of Supervisors. See claims on file in the Office of Clerk of the Board of Supervisors. (Addendum A-3) (ADM3309)

<u>Name</u>	<u>Total Employer Cost</u>	<u>Name</u>	<u>Total Employer Cost</u>
Christine Jenson	\$98,906.81	Christine Jenson	\$ 1,329.83
Jose Baca	175.30	Lee Amy Bagdol	6,702.70
Darla Barnes	12,246.41	Earlyn Begay	185.70
Melanie J. Belec	474.50	Robert Black	2,286.51
James Blosser	1,982.61	John Briggs	995.70
Marjorie Cook	4,460.69	Vivian P. Delci	19,415.53
William F. Farrell	7,216.88	Pedro Gamboa	8,782.62
Mary Gilbert	6,736.99	Sally L. Golis	572.07
K. Gudenschwager	887.98	Robert Herz	4,467.62
Vanessa Hill	6,828.51	James C. Houser	1,121.09
Dorothy Kacer	991.59	B. William Kennedy	3,222.82
Esther Kennedy	1,450.77	Joyce G. Lane	1,963.74
Richard J. Lingle	7,044.31		
Diane Littrell	30.76	Ashok Madhok	5,095.34
Carol Marquardt	19,178.34	Veronica Maturo	5,610.34
Greg McCawley	1,487.63	Lucille G. Metcalf	36,647.45
Linda K. Myers	5,598.51	Juddith Nance	12,650.40

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<u>Name</u>	<u>Total Employer Cost</u>	<u>Name</u>	<u>Total Employer Cost</u>
Judith C. Peck	3,833.07	Irving J. Pomerantz	1,050.26
Christina Quast	165.17	Delores Ramirez	163.58
Mary A. Reed	65,703.49	Diane Rudnick	16,538.30
Julie Ruegsegger	2,974.54	Robert Ruiz	3,503.20
Arlene Sarver	86,253.30	David Sausedo	3,495.49
Vince Shomenta	8,961.30	Robert C. Smaltz	14,172.61
Ivan L. Smith	6,515.65	Solveig Springer	9,898.95
Pamela Standhart	195.71	Marilyn Stuart	4,853.85
George Stupski	2,190.00		
Nina Marie Way	3,989.25	Darlene Wezdenko	14,729.99
Margaret P. Wilson	4,727.95	Angela Dunlap	588.56
Jaime Vinaras	153.23	Steven Keeler	999.82
Eldenn Velasco	1,232.49	Crystal E. Attili	30,709.68
Elveena Agnihotri	15,648.93	Constance Anderson	4,153.35
Jean Barr	27,544.30	Susan Bickel	34,579.35
Karyn Brazil	800.00	Samantha Brees	53,564.27
Joyce Britt	7,162.51	Joyce Brown	32,135.39
Carol Capell	2,645.13	Katherine Clevenger	37,014.89
Kathleen Cooke	\$ 5,578.75	Denise Devereaux-Chester	\$ 25,937.54
Diane L. Devoll	60,648.73	James P. Erwin	5,202.00
Ella M. Ervin	43,760.84	Edmund F. Estfan	2,559.12
Geri Ferneau	36,995.16	Carol Fiocco	41,351.18
Victor Gorraiz	17,032.57	Barbara Guitart	839.11
Karen Heaberlin	45,193.36	Donna Henders	38,750.46
Evelyn Jensen	4,455.79	Ann Hill	11,144.73
Melvin Hinton	3,310.95	Katherine Jones	14,501.25
Pamela Kennedy	44,697.21	Tamara Kissinger	5,173.93
Nancy J. Kurtok	46,004.36	Janet Larkin	6,653.37
Randi Leyk	52,199.79	Delcie May	9,458.12
Margaret Pearson	19,665.34	Catherine M. Petros	2,466.37
Patricia Phillips	1,851.76	Syllvia Quinn	33,420.84
Violet Quist	34,294.90	Rebecca Regis	15,495.94
Cathy Rucker	65,805.98	Thomas Ruddy	15,392.86
Annabelle Sevilla	3,671.21	Angie Santiesteban	2,678.47
Joan Smith	8,853.52	Phyllis A. Smith	23,364.98
Manuel Soto	705.64	Bethany A. Weiss	6,845.58
Angela Zimmerman	25,921.53	Barbara A. Zink	1,001.84

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PUBLIC COMMENT

Anthony Abril, citizen, spoke on an incident alleging his humiliation and harassment at a Legion Post in the County and was advised that any illegal incident should be reported to the County Attorney's Office. (ADM605)

SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS

Supervisor Wilcox reported the death of Abe Harris, a member of the Planning Commission, and asked that a moment of silence be held in his memory when the Planning portion of this meeting begins. Mr. Harris worked for Maricopa County for a number of years and upon his retirement he accepted an appointment to the Planning Commission and had served there since 1995. (ADM606)

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

Ms. Rich said that Abe Harris will be missed by many in the Planning Department and lauded his service to them, the County, his community and his church. She said he had a very calming effect on people and was "a big presence of a man both physically and spiritually."

Chairman Kunasek called for a moment of silence in Mr. Harris' memory.

CONSENT AGENDA DETAIL:

1. **Z2003-096 District 4**
 Applicant: Randy Downing of InfraNext for AT&T
 Location: Northwest corner of Table Mesa Rd. & the I-17 Frontage Rd. (in the New River area)
 Request: Major Amendment to expand an existing Special Use Permit (S.U.P.) area for a wireless communication facility in the Rural-43 zoning district, Cellular Use District 1A – WAPA Lattice Tower Cell Site (0.005 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2003-096, subject to the following stipulations "a" through "j". Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled "AT&T WIRELESS SERVICES SITE NUMBER: PHNXAZYA36A (958004019)", consisting of 4 sheets, dated received November 7, 2003, and the following stipulations.
- b. Development and use of the site shall comply with the AT&T narrative report entitled "Narrative Report Special Use Permit for a Wireless Communication Facility to be located on a Western Area Power Administration Transmission Lattice Tower, AT&T Wireless Site 4019 WAPA", consisting of 6 pages, stamped received September 16, 2003, except as modified by the following stipulations:

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- c. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements installed by or for AT&T shall be removed within 60 days of such termination or expiration.
- d. All tower-mounted equipment shall be painted a neutral, non-reflective, gray color to match the existing lattice tower.
- e. The masonry portion of the perimeter wall shall be constructed of 8" x 8" x 16" CMU, with the appropriate grouting and reinforcement. All portions of the perimeter enclosure, including gates, shall be painted a desert tan color to match the Voice Stream wall color currently in place.
- f. The facility shall utilize permanent underground electrical power, which shall be installed to the site within 30 days of approval by the Board of Supervisors.
- g. The applicant shall submit an executed Facilities Lease Agreement between the AT&T and Western Area Power Administration that is specific to this site within 30 days of approval by the Board of Supervisors and prior to zoning clearance.
- h. Prior to any construction or placement of any equipment, the applicant shall obtain the necessary construction permits from the Planning and Development Department of Maricopa County.
- i. Major changes to this Special Use Permit (the site plan and narrative report), shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Planning and Zoning Commission. Minor changes to the Special Use Permit may be administratively approved by the staff of the Planning and Development Department. Co-location on this site shall be considered a major amendment.
- j. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Mr. Randy Downing, applicant was in attendance to answer questions but none were forthcoming.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "j."

- 2. Z2003-080 District 4**
Applicant: Delorme and Associates for Auston Concrete
Location: North and west of the northwest corner of Northern Ave. * 83rd Ave. (in the Peoria area)
Request: Plan of Development in the IND-2 P.D. zoning district

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COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2003-080, subject to the following stipulations "a" through "l". Commissioner Jones seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Auston Concrete New Office Building", consisting of 2 sheets, dated December 5, 2003, and stamped received December 8, 2003, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "Narrative Report", consisting of 3 pages, dated December 4, 2003, and stamped received December 8, 2003, except as modified by the following stipulations.
- c. Prior to zoning clearance, a revised site plan shall be submitted showing the removal of the razor wire from the 6' block perimeter wall.
- d. Dedication of additional right-of-way to bring the total half-width dedication to 55' for 83rd Avenue shall occur within 6 months of approval of this request by the Board of supervisors and prior to zoning clearance. The applicant shall bond for the ultimate half-street improvements (pavement, curb, gutter, and sidewalk).
- e. If the facility ever supports 25 or more employees or clients for 60 days a year, it must be permitted as a Public Water System with the Maricopa County Environmental Services Department.
- f. Septic leaching systems cannot be placed underneath routinely used driveways or roadways. Special septic tanks with reinforced lids can be placed in these locations. The leach system should be placed in a part of the equipment storage area that will be lightly used for storage only.
- g. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground mounted.
- i. All trees shall be double-staked when installed.
- j. All outdoor lighting shall conform to Article 1112 of the Maricopa County Zoning Ordinance.
- k. Major changes to the Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by

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staff of the Planning and Development Department. Major changes to the Plan of Development shall require a Citizen Participation Process.

- I. Noncompliance with the Plan of Development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "I."

3. **Z2003-113 District 3**
Applicant: Jeff DeHart of K&I Architects and Interiors, L.L.C.
Location: North side of Anthem Way approx. ¼-mile east of I-17 (in the Anthem area)
Request: Plan of Development for multi-tenant retail buildings in the C-2 C.U.P.D. zoning district

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2003-113, subject to the following stipulations "a" through "I". Commissioner Jones seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "ANTHEM EAST SIDE SHOPS", consisting of eight (8) sheets, stamped received December 8, 2003, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "PROJECT NARRATIVE ANTHEM EASTSIDE RETAIL SHOPS - ANTHEM, ARIZONA NOVEMBER 3, 2003", consisting of four (4) pages, dated November 3, 2003 and stamped received December 8, 2003, except as modified by the following stipulations.
- c. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- d. A Precise Plan of Development shall be required for that portion of the site plan labeled "Future Pad Building" along with associated future improvements.
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- f. All trees shall be double-staked when installed.
- g. A continuous parapet shall screen all roof-mounted equipment.
- h. Major changes to this site plan (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

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- i. Noncompliance with the plan of development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- j. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- k. Development will comply with all recommendations in MCDOT approved Traffic Impact Study (TIS).
- l. Prior to development, a drainage clearance must be obtained from the FCD.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "l."

- 4. S2003-057 District 4**
Applicant: DEI Professional Services, L.L.C.
Location: North of the northwest corner of Deer Valley Rd. and the El Mirage Rd. realignment
Request: Final Plat in the R1-6 R.U.P.D. zoning district for Corte Bella Unit H – Sierra Madre (approximately 60.58 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this final plat.

- 5. S2003-063 District 3**
Applicant: Stanley Consultants, Inc.
Location: Northeast of the northern terminus of Anthem Hills Dr. (in the Anthem area)
Request: Final Plat in the R1-10 R.U.P.D. zoning district for Anthem Unit 46 (approximately 47.99 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this final plat.

- 6. S2003-082 District 3**
Applicant: Stanley Consultants, Inc.
Location: East of the northern terminus of Anthem Hills Dr. (in the Anthem area)
Request: Final Plat in the C-2 C.U.P.D. zoning district for Anthem Country Club Clubhouse II (approximately 14.98 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this final plat.

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REGULAR AGENDA DETAIL:

7. Z2002-107 District 4

Applicant: Dave Maguire, Land Solutions

Location: East of the Perryville Rd. align., between Camelback Rd. and Bethany Home Rd.
(in the west Glendale/Goodyear area)

Request: Modification of Stipulation “o” of Z2002107 – Savannah (159.32 ac.)

COMMISSION ACTION: Commissioner Gulbrandsen moved to recommend approval of Z2002-107, subject to the following stipulations “a” through “q”. Commissioner Jones seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be consistent with the zoning exhibit entitled "Zoning Exhibit for Savannah", consisting of one (1) full-size sheet, dated revised December 09, 2002, and stamped by the engineer April 22, 2003, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "A Rezoning Exhibit, Savannah, A Residential Neighborhood", consisting of seven (7) pages plus exhibits, dated revised October 22, 2002 and stamped received December 13, 2002, except as amended by the one page exhibit relating to Paragraph 6 Community Facilities and Services, dated received September 16, 2003, and as modified by the following stipulations.
- c. Concurrent with the submittal of a final plat for any portion or phase of this development, final infrastructure plans, including a final landscape plan, is to be submitted to the One Stop Shop for review and approval, said approval to occur prior to the recordation of any final plats for this subdivision.
- d. Prior to zoning clearance, the applicant shall dedicate an ultimate 65' half-width for Perryville Rd. adjacent to the site.
- e. All interior streets within the proposed development are to be constructed to minimum County standards.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way. All landscaping shall comply with Chapter 9 of the MCDOT Roadway Design Manual.
- g. The applicant shall comply with all applicable federal, state and local laws regarding historic preservation and endangered species habitat loss mitigation.
- h. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.

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- i. Written notification shall be provided to all future homeowners that they are located within the State-defined Territory in the Vicinity of a Military Airport and may be subject to loud noise from military aircraft. Such notification shall be recorded on all final plats, be posted in a conspicuous location within the sales office(s), and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report.
- j. All habitable buildings constructed within this subdivision shall be constructed to attain noise reduction as per A.R.S. § 28-8482(B).
- k. Prior to final plat approval the applicant shall provide a will-serve letter from Rural/Metro Fire Department or another acceptable fire protection service provider.
- l. Zoning approval is conditional pending the adequate provision of water and wastewater services to the project. If a final plat is not approved within two years of the original zoning approval by the Board of Supervisors, the Commission can consider reversion of the zoning back to Rural-43 in accordance with the Maricopa County Zoning Ordinance. Any request for extension must be received at least six months before the expiration date.
- m. Major changes to this plan of development (the site plan and narrative report), shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Commission. Minor changes to the Plan of Development may be administratively approved by the staff of the Planning and Development Department.
- n. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- o. As of the date of this report, there is no comprehensive plan for providing centralized wastewater collection and treatment facilities for this project, or the general area around it. The applicant shall participate in the initial construction of a regional wastewater solution approved by the Maricopa County Environmental Services Department.
- p. The northern row of housing, and the two easternmost rows of housing shall be limited to one-story in height.
- q. The applicant agrees and understands he shall not assert vested rights under this approval.

Mr. Gerard said this case was originally approved by the Board on April 2, 2003, and gave background on Planning Commission actions to date and details on the modification they made to stipulation "o." The case was recommended for approval.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval with stipulations "a" through "q" as given above.

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- 8. Z2003-029 District 2 - CONTINUED**
Applicant: William D. Martin
Location: Northeast corner of Rio Verde Dr. & 160th St. (in the Rio Verde area)
Request: Special Use Permit (S.U.P.) for an equestrian center in the Rural-43 zoning district (16.27 ac.)

COMMISSION ACTION: Commissioner Gulbrandsen moved to recommend approval of Z2003-029, subject to the following stipulations "a" through "t". Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development shall be in substantial conformance with the site plan consisting of two (2) full-size sheets entitled "Request for a Special Use Permit, Four Peaks Ranch", date-stamped by the engineer May 27, 2003 and stamped received October 7, 2003.
- b. Development of the site shall be in conformance with the narrative report entitled "Special Use Permit Application for Four Peaks Ranch, Z2003029, Revised Narrative Report," consisting of eight (8) pages, stamped received June 12, 2003, except as modified by the following stipulations.
- c. All team roping competitions shall be completed and all amplified sound and lighting shall be turned off by 9:00 P.M. Sunday through Thursday, and by 10:00 p.m. Friday and Saturday.
- d. Numbers of total events (team roping competitions) are limited to two (2) events per month, two (2) days per event, or a total number of four (4) event days per month. Number of total attendees, including participants, workers and spectators, for team roping competitions shall be limited to 200 persons.
- e. Number of total attendees on non-event days, including participants, workers and spectators, shall be limited to 80 persons at any given time.
- f. In no instance, shall there be on-street parking related to these events.
- g. The overflow parking area shall be treated for dust control.
- h. The applicant shall participate in the paving of 160th Street, where adjacent to the subject property, when traffic warrants (150 A.D.T.).
- i. The holder of the Special Use Permit agrees, to the best of his legal ability, to cause the complete removal of the windmill/cell tower structure located on a portion of the subject property which he owns but which is currently leased to others; and the holder further agrees to keep the County apprised as to any request or changes to the relationship between himself and the holder of the aforementioned lease.
- j. The total combined, aggregate area of the proposed freestanding (monument style) signs shall not exceed 120 sq. ft.

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- k. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the public right-of-way.
- l. Prior to site development approval, the owner or agents of the property shall obtain a drainage clearance from the Flood Control District as a part of the building permit. The drainage clearance will require that a grading plan be submitted providing a registered professional civil engineer's certification statement to read, "I certify that all finished floor elevations are free from inundation during the 100-year peak runoff event." Additionally, the retention requirements for this site only require first flush, which is the first ½ inch of runoff to account for the required volume or first flush treatment/filtration.
- m. All outdoor lighting shall conform with Article 1112 of the Maricopa County Zoning Ordinance. All freestanding light fixtures shall be shielded.
- n. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- o. Major changes to the Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Plan of Development shall require a Citizen Participation Process.
- p. A Status Report must be submitted every five years from the date of the Special Use Permit approval by the Board of Supervisors in order to monitor the use.
- q. Noncompliance with the Plan of Development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- r. This Special Use Permit shall expire in 15 years. Any request for extension must be submitted at least six months prior to the expiration date.
- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- t. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers. Prior to the issuance of building permits the applicant shall submit evidence that containers have been provided for adequate storage of one week's accumulation of manure. All manure shall be removed from the site at least once per week and disposed of in a proper manner acceptable to the Maricopa County Environmental Services Department.

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Mr. Gerard reported on the background of this case and previous action taken by the Planning Commission. Chairman Kunasek said that a number of people had requested to speak and asked that a spokesman be chosen for each side, or a limit of three speakers on either side be delegated to speak for three-minutes each. He asked the applicant to speak first.

Bill Martin, owner of Four Peaks Ranch, said there had been much discussion during the past 14 months but he had not been contacted to explain his position and had heard no opposition so he doesn't know what the concerns are. He asked to reserve time to respond following the speakers,

Nena Henry, Rio Verde Horseman's Association, said the Association had sent a letter to the Board that is on file reporting a unanimous vote by their Board of Directors in support of the applicant and she added that a large majority of their 470 members would support him. She said they have many horse arenas in that area and many of them are lighted so the arena use for the applicant is not an exception. She reported that unlike previous problems reported with property, Mr. Martin is very responsible as is his ranch manager and trainer. She added that this facility is an asset to the community and asked for approval of the Permit.

Those attending in favor of this Special Use Permit included Barry Bader, Steven Lagin, Shawn Grant, Scott Helver, David E. Clark, Margaret Daleo, Nena Henry, Anthony Abril, Bill Martin, Kathleen Culiber, and David E. Culiver. Those attending in opposition included Barbara Rago, Sandra Rios Balderrama, Trish Marszalek, Ed Marszalek, Vera Green, Gerard Proctor, Cindy Warren and LoriAnn Busse.

Margaret Daleo, Rio Verde Horseman's Association, said she is a neighbor and commended Mr. Martin for cleaning up the property and making it a much improved asset to their equine neighborhood. She asked for approval of his request.

Scott Halver said he bought his horse property in 1987 and lives there in a house he built. Mr. Halver is a certified real estate appraiser and works with commercial and rural properties. He said that one of the key elements in an appraisal is the highest and best use for a property and he said that in this area this property fits that definition for what is reasonable and probable. He said that the horse industry is huge in the Valley and is continuing to grow.

Trish Marszalek spoke in opposition. She said her family had moved there because they love the ranching lifestyle. She felt the owner was acting responsibly with regards to the corral lighting hours but she is concerned with the amplified sound that runs every day of the year until 10:00 p.m. She said that was too much to ask of a residential community. She is also concerned about increased traffic, especially on dark moonless nights as there are no streetlights for miles causing the area to be very dark. She said that cars travel on the two-lane road at 50-55 mph. She explained that the visibility is never very good, especially when traveling behind some of the large trucks and horse trailers connected with an event. She indicated that this should be a concern especially when deciding the frequency and particulars of large events as well as the daily events. She is hoping for a compromise.

LoriAnn Busse represented the Rio Verde Foothills Alliance and said they were erroneously reported to be in support of this application and that is not true. Many of the stipulations are opposed by the Alliance and she said that the majority of members are opposed to holding such large and frequent events in the area. She expressed disappointment that the neighbors did not know anything about this application until within the last 10 days as the notice had been removed. She indicated that there was so little opposition shown because so many did not know about it until very recently. She thought the applicant should have held meetings with neighbors before planning so many events in a residential neighborhood. She asked for compromises that address the concerns of the neighbors with regards to having so many large events

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and long hours of operation. She mentioned stipulation "c" and asked that the hours be adjusted to an hour earlier, from 9:00 p.m. to 8:00 p.m. on weekdays and from 10:00 p.m. to 9:00 p.m. on weekends. Also to change stipulation "d" by cutting the number of events from four per month to one per quarter and the number of people adjusted down from 200 to 80-100. With regards to stipulation "e" which allows 80 people on site on non-event days – she said "I submit to you that 80 people on site IS an event." She wanted it lowered to 30 people. In stipulation "j" she wanted the signage size to be smaller. She said she would like two things that are not addressed to be inserted. The start time for events of 8:00 a.m. and restrictions to camping on-site by participants during the two-day events. She asked that these compromises be considered.

Supervisor Stapley questioned Ms. Busse on notification and the posting notice. She conceded that those living within 300 feet received the legal notification but those living within 600 ft did not and they would certainly be impacted even if it was not necessary to notify them. She didn't know what had happened to the posting notice or why it was removed. Mr. Stapley also referenced the Planning Department's statement that Rio Verde Foothills Alliance was in agreement with this request. Mr. Gerard spoke up to indicate that he had earlier misspoken and said that in the handouts given out to each Supervisor at the beginning of the meeting there was a letter that had recently been received, although it was undated, from Miss Michelle Anderson of the Rio Verde Foothills Alliance. It stated that they would like to see modifications addressed, although there were no specific stipulation changes included.

Ms. Busse stated that the Alliance supports boarding and training facilities but their membership is not in support of large public events such as roping competitions, cutting competitions or horse shows and it is the size and frequency of events only that they want modified similarly to those the Board has designated for other similar establishments in their area.

Supervisor Stapley asked staff for information and clarification regarding other SUPs in the area that he believed ranged from more liberal to more restrictive than the current stipulations.

Discussion ensued on particulars of other SUPs as remembered by Mr. Gerard without having the documentation before him. Discussion included the question raised of campers, which all could remember as a problem with an earlier application. Mr. Gerard said there is no allowance for camping in this instance and if it happens it would be considered a violation of the stipulations.

~ Supervisor Wilcox left the meeting ~

Supervisor Stapley said he would like to have meetings between the applicant and his neighbors to see what kind of compromises could be reached. Chairman Kunasek asked if there were other speakers.

Cindy Warren, a neighbor, expressed concern about the commercial implications of the situation escalating into another "Rawhide" saying they used to live near Rawhide and had moved away and they feared another Rawhide was now moving into their "backyard" and bringing rodeo sounds back into their home.

~ Supervisor Wilcox returned to the meeting ~

Bill Martin, the applicant, spoke and said he felt somewhat resentful at the accusations that neighbors had not been notified because everyone within the area had been legally notified and he said, "Everybody within our support area supported our plan." He reported that large signs had been posted for months and anybody could have seen them. He advised that they had been running the facility for the past year while waiting to get their SUP and people had not complained about their activities during that time and

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defended the family nature of the events he planned to hold. He said he was very willing to meet with anyone to discuss all the issues.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this case to the March 17, 2004, meeting for further review.

- 9. Z2003-042 District 1 - CONTINUED**
Applicant: Richard Andrews for Victoria Properties
Location: South of the southeast corner of Germann Rd. & Sossaman Rd. (in the Queen Creek area)
Request: Rezone from Rural-43 to C-2 P.D. - Four Point Plaza (9.4 ac.)

COMMISSION ACTION: Commissioner Pugmire moved to recommend denial of Z2003-042. Commissioner Harris seconded the motion, which passed with a majority vote of 6-1, with Commissioner Barney dissenting.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to continue this case to the April 21, 2004, meeting.

~ Supervisor Brock left the meeting ~

- 10. Z2003048 District 4**
Applicant: L.M. "Mickey" Ollson
Location: Northern Ave. west of Sarival Ave. (in the West Glendale area)
Request: Special Use Permit (S.U.P.) to allow an aquarium in the Rural-43 zoning district – Arizona Wildlife Aquarium (15.43 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2003-048, subject to the following stipulations "a" through "t". Commissioner Gulbrandsen seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial compliance with the site plan entitled "Site Plan for Arizona Wildlife Aquarium", consisting of one full-size sheet, stamped received December 15, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Narrative Report – Revised Plan of Development – Arizona Wildlife Aquarium", consisting of twelve (12) pages, stamped received November 7, 2003, except as modified by the following stipulations.
- c. The proposed freestanding monument sign located near the Sarival Avenue entrance may be constructed during Phase 1.
- d. A screened trash enclosure and restroom facilities shall be included with Phase 1 improvements.
- e. The proposed 6-foot solid CMU screen wall to be located adjacent to APN 501-04-007T shall be provided during Phase 1 development. Also, during Phase 1 improvements, the applicant shall plant a series of trees, such as Mondell Pine or Acacia, adjacent to the property line common with 501-04-007T. Said trees are to be spaced 20-feet on-center

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and shall be maintained by the aquarium facility throughout the life of the development. All trees shall be double-staked and shall be no less than a 15-gallon size when planted. All shrubbery shall be no less than 1-gallon size when planted.

- f. Subsequent to the development of Phase 1, all additional phases of development shall be preceded by an approved administrative amendment. The plans for said phases of development shall be routed by the Planning and Development Department to Luke Air Force Base for review and comment.
- g. Prior to the construction of the Phase 4 / Phase 5 water and signage feature proposed for the northeast corner of the site, the property owner shall submit detailed drawing to the Planning and Development Department for administrative review.
- h. Prior to the development of Phase 5, the applicant shall justify to the satisfaction of the Planning and Development Department any reductions from the 157 Phase 5 parking spaces shown on the site plan referenced in stipulation "a" above.
- i. Prior to the addition of any amusement rides within the facility, the property owner shall apply for an Administrative Amendment. However, if necessary, a Major Amendment may be required as addressed in stipulation "f" above. Concurrent with any submittal relating to an amusement ride, the applicant shall provide justification to the satisfaction of the Planning and Development Department any request to allow the existing parking count, or the applicant shall provide additional parking to meet any increase in parking demand generated by the amusement ride.
- j. The following MCDOT stipulations apply:
 - i. Prior to zoning clearance, the property owner shall dedicate additional right-of-way along Sarival Avenue to bring the total half-width to 65 feet adjacent to the subject property.
 - ii. Prior to the development of Phase 3, the property owner shall provide a Traffic Impact Study.
 - iii. Prior to the approval of the construction of Phase 3, the MCDOT shall determine the need for ultimate improvements for Sarival Avenue (curb, sidewalk, pavement) and additional improvements on Northern Avenue.
- k. Prior to any phase of development, a drainage clearance must be obtained from the Flood Control office. To obtain a drainage clearance, a final drainage report must be submitted. A site plan showing the proposed grading, drainage, and paving must be submitted to the Flood Control District for review and approval.
- l. The property owner shall actively maintain any outdoor water feature or aquatic exhibit such to eliminate any potential mosquito-breeding habitat.
- m. The facility shall comply with all applicable federal and state laws regarding groundwater usage.
- n. The following Luke Air Force Base stipulations shall apply:

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- i. The locations of the facilities depicted on the site plan for the project as depicted on the site plan referenced in stipulation "a" above shall not interfere with existing Luke Air Force Base operations.
 - ii. Any additions or amendments to this plan now or in the future shall be coordinated with Luke Air Force Base.
 - iii. Outside lighting shall be downward directed in a manner consistent with Maricopa County Zoning Ordinance Section 1112.
 - iv. The proposed aquarium and related facilities shall not create and/or release any substances into the air that would impair visibility or otherwise interfere with operating aircraft.
- o. Any plants used in the landscaping of the facility, which are not part of a specific aquatic exhibit, shall be from the Arizona Department of Water Resources publication entitled, Desert Guide – Drought Tolerant/Low Water Use Plant List – Phoenix AMA; with the exception that non drought tolerant/low water use plants may be used around the perimeter of the main facilities for screening of the buildings. The water used for the plants shall be from on-site sources.
- p. This Special Use Permit shall expire 45 years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever comes first. All of the site improvements shall be removed within 90 days of such termination or expiration.
- q. The property owner shall submit a Status Report six (6) months prior to the 5th anniversary of date of approval of this Special Use Permit by the Board of Supervisors. Said Status Report shall indicate the status of the project and shall provide evidence that the project remains in compliance with the stipulations of approval. The Status Report shall be reviewed by staff, and may be forwarded to the Planning and Zoning Commission for further consideration; if in staff's opinion, the conditions of approval have not been met. Additional Status Reports may be required at the discretion of staff or the Commission.
- r. The property owner shall submit a written status report six (6) months prior to the 25th anniversary of the approval of the Special Use Permit by the Board of Supervisors.
- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, or the Maricopa County Flood Control District, may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- t. Major changes to this Plan of Development (the site plan and narrative report) shall be process as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department, subject to the concurrence by Luke Air Force Base for any proposed changes.

Darren Gerard gave details on the background of this case as it was heard by the Planning Commission. He noted two small mistakes in stipulations "e" and "i" that would have to be addressed.

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Mr. Ollson, the applicant, had questions about the stipulation changes referenced by Mr. Gerard who explained them more fully, after which Mr. Ollson was in agreement with them.

All Supervisors congratulated Mr. Ollson on his wonderful Wildlife World Zoo that gives pleasure to so many children and adults and said his new Arizona Wildlife Aquarium would be another welcome addition to the West Valley.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "t" and to include modifications to stipulation "e" and "i" as given below.

- e. The proposed 6-foot solid CMU screen wall to be located adjacent to APN 501-04-007T shall be provided during Phase 4-3 development. Also, during Phase 1 improvements, the applicant shall plant a series of trees, such as Mondell Pine or Acacia, adjacent to the property line common with 501-04-007T. Said trees are to be spaced 20-feet on-center and shall be maintained by the aquarium facility throughout the life of the development. All trees shall be double-staked and shall be no less than a 15-gallon size when planted. All shrubbery shall be no less than 1-gallon size when planted.
- i. Prior to the addition of any amusement rides within the facility, the property owner shall apply for an Administrative Amendment. However, if necessary, a Major Amendment may be required as addressed in stipulation "~~f~~ above" t below. Concurrent with any submittal relating to an amusement ride, the applicant shall provide justification to the satisfaction of the Planning and Development Department any request to allow the existing parking count, or the applicant shall provide additional parking to meet any increase in parking demand generated by the amusement ride.

- 11. Z2003-078 District 2**
- Applicant:** Angie Castellano for Salt River Project
- Location:** Southeast of the intersection of Palo Fiero Rd. & Aguila Rd. (in the Rio Verde area)
- Request:** Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 – SRP Rio Verde Substation (1.11 ac.)

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2003-078, subject to the following stipulations "a" through "m". Commissioner Jones seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "RIO VERDE SUBSTATION CELLULAR SITE PREZONE". Consisting of one (1) sheet, dated revised October 17, 2003 and stamped received October 21, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "RIO VERDE SUBSTATION NARRATIVE REPORT" consisting of three (3) pages, dated and stamped received October 21, 2003.
- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff

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and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. Prior to drainage clearance for building permit, a drainage report must be submitted for reviewed and approval by the Flood Control District.
- f. Driveway and parking area must meet EPA requirements for dust control.
- g. Antenna arrays shall be of a canister type designed to blend in color and diameter with the existing electrical pole.
- h. The electric pole shall be limited to one antenna array.
- i. The electrical pole together with all antennas and attachments will not exceed 74' 6" in height as measured from base ground level.
- j. A status report, including clear photos of the wireless facility, shall be required in two (2) years time from the date of approval by the Board of Supervisors, or when the site is completely finished and operational – which ever occurs first.
- k. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date
- l. Any lighting shall be in compliance with Article 1112 of the Maricopa County Zoning Ordinance and shall be designed to mitigate negative impacts on avian migration and nesting.
- m. The January 20, 2004 written agreement for three stipulations between Salt River Project Telecom and Rio Verde Community Association, Kim Hart-Woods and B.J. (Buddy) Woods shall be adhered to.

Mr. Gerard gave background information on this Special Use Permit for a wireless communications facility co-located on an existing SRP (Salt River Project) power pole. He said they learned this morning that the applicant wishes to increase the height, see stipulation "i," by two feet to 76.6 ft. The applicant also provided a letter from the Rio Verde Community Association in support of this modification, which Mr. Gerard read. He said this revision would change two stipulations, "a" and "i" if the Board includes it in their approval.

Mr. Garrison, the applicant, said he had 784 letters of support from the Rio Verde Community who had come to him to initiate this project, and there is no opposition. He said he couldn't remember ever appearing before an approving body with that kind of message before, and he would be pleased to answer any questions.

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "m" and with the following modifications to stipulations "a" and "i."

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "RIO VERDE SUBSTATION CELLULAR SITE PREZONE". Consisting of one (1) sheet, dated revised ~~October 17, 2003~~ February 17, 2004 and stamped received ~~October 21, 2003~~ February 18, 2004, except as modified by the following stipulations.
- i. The electrical pole together with all antennas and attachments will not exceed ~~74'-6"~~ 76'6" in height as measured from base ground level. The diameter of the antenna canister shall not exceed 24". The height of the antenna canister shall not exceed 8'.

- 12. Z2003-088 District 4**
- Applicant:** Randy Downing for AT&T Wireless Services on property owned and operated by the Recreation Centers of Sun City, Inc.
- Location:** 12702 Stardust Blvd. – at the Stardust Golf Course (in the Sun City West area)
- Request:** Special Use Permit (S.U.P.) for a stealth (flagpole) wireless communications facility in the C-2 and Rural-43 zoning districts, Cellular Use District 1 – Sun City East Cell Site (0.0074 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2003-088, subject to the following stipulations "a" through "k". Commissioner Gulbrandsen seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled "SUN CITY EAST (IN SUN CITY WEST)", consisting of five (5) sheets, dated revised October 15, 2003 and stamped received November 21, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Cellular Communication Facility to be located at Stardust Golf Club", consisting of six (6) pages, undated but stamped received November 21, 2003, except as modified by the following stipulations.
- c. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- d. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- e. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- f. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or

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the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- g. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements, including the monopole, shall be removed within 60 days of such termination or expiration.
- h. The applicant shall submit a written report outlining the status of the development at the end of two years and twenty years from the date of approval by the Board of Supervisors, or completion of the site, or whichever occurs first. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- i. An administrative amendment shall be required to co-locate future carriers on the monopole.
- j. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- k. The monopole shall be approved for a height up to 50' as measured from base ground level and the radius may be expanded from 13.6" to 16".

Mr. Gerard gave the background information for this case. He said four letters of opposition were received, however, the Planning Commission recommendation was for approval with stipulations "a" through "k" given above.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the Planning Commission's recommendation for approval subject to stipulations "a" through "k" with the revised site plan that has already been prepared and received by the Department as referenced in revised stipulation "a" below.

- a. Development and use of the site shall comply with the site plan entitled "SUN CITY EAST (IN SUN CITY WEST)", consisting of five (5) sheets, dated revised ~~October 15, 2003~~ February 6, 2004 and stamped received ~~November 21, 2003~~ February 11, 2004, except as modified by the following stipulations.

- 13. Z2003-095 District 4**
Applicant: Philip Reina
Location: West side of Sarival Rd., ¼ mile north of Camelback Rd. (in the West Glendale area.)
Request: Special Use Permit (S.U.P.) in the AD-II zoning district and Accident Potential Zone 1, with a request for emergency vesting, for an agriculture tractor testing facility. – AGCO (2.07 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2003-095, subject to the following stipulations "a" through "q". Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

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- a. Development and use of the site shall be consistent with the site plan entitled, "AG CO – Engineering Group", consisting of one full size sheet dated August 7, 2002 and stamped received September 12, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Special Use Permit Narrative / AG-CO Building Addition", consisting of one page, dated August 29, 2003 and stamped received September 12, 2003, except as modified by the following stipulations.
- c. Prior to construction, the applicant shall obtain all necessary construction permits. Said permits must be obtained within one (1) year from the date of Board of Supervisors approval of this Special Use Permit. Prior to zoning clearance for said construction permits, the applicant shall provide written evidence that Luke Air Force Base concurs with the proposed site plan referenced in stipulation "a" above. If such evidence is not provided within this timeframe, the Special Use Permit shall be referred to the Planning and Zoning Commission for possible revocation.
- d. Prior to zoning clearance, the property owner shall submit an application requesting a Variance with the Board of Adjustment to the front setback of the existing 4,800 square foot building. If said Variance cannot be obtained, the aforementioned building shall be retrofitted such that it meets the required 30-foot front setback as measured from the ultimate right-of-way line.
- e. Any additions, including any future buildings, or amendments to this plan now or in the future must be coordinated with Luke AFB.
- f. Outside lighting shall comply with the Maricopa County Zoning Ordinance and shall be directed downward.
- g. No more than 6 employees shall be on site at any given time.
- h. The use shall not create and / or release any substances into the air that would impair visibility or otherwise interfere with operating aircraft.
- i. Prior to zoning clearance, the applicant shall revise the retention calculation using a runoff coefficient between 0.75-0.88 for the 1-inch rock/gravel parking and equipment storage area to determine the correct retention volume required and provided.
- j. Within 30 days of Board of Supervisor approval, the applicant shall submit a revised site plan that indicated handicap parking as per the MCZO.
- k. Prior to zoning clearance, the applicant shall bond for the ultimate improvements along Sarival Road adjacent to the site to include an additional 12- foot lane.
- l. Prior to zoning clearance, the applicant shall dedicate additional right-of-way to bring the total half-width of Sarival Road to 45 feet adjacent to the subject property.
- m. Prior to zoning clearance, the applicant shall provide satisfactory evidence that Rural/Metro Fire Department has been properly apprised of the development occurring on the subject property and that an offer to extend fire protection services has been made with regard to the subject property.

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- n. This Special Use Permit shall be valid for a period of ten (10) years from the date of the Board of Supervisors' approval.
- o. The property owner shall submit a written status report, which shall be due upon the first anniversary of the approval of the Special Use Permit by the Board of Supervisors. This status report shall discuss the status of the property and the compliance with the approved stipulations. This status report may be approved administratively by staff, or forwarded to the Planning and Zoning Commission for review, should it be determined that the approved stipulations have not been adhered to.
- p. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- q. Major changes to this Plan of Development (the site plan and narrative report) shall be process as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department, subject to the concurrence by Luke Air Force Base for any proposed changes.

Mr. Gerard gave the background on this case, which he said has been approved by Luke Air Force Base, and that all concerns had been addressed and agreed to by the applicant.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "q" as given above.

- 14. S2003-059 District 4 - CONTINUED**
Applicant: Patton Place L.L.C.
Location: Southeast corner of Peak View Rd. & 247th Ave. (in the Surprise area)
Request: Final Plat in the Rural-43 zoning district for Patton Place IV (approximately 60.06 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to continue this case to March 3, 2004, as requested by Supervisor Wilson.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board